

FILED
6/10/24 12:30 pm

CLERK

U.S. BANKRUPTCY
COURT - WDPA

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:)	Bankruptcy No. 20-21805-GLT
Arnold J. Rose, III)	Chapter 13_____
Debtor)	Doc No. 89
Arnold J. Rose, III)	
Movant)	Response 6/6/2024
vs)	Hearing: 6/12/2024 at 10:30 a.m.
PennyMac Loan Services, LLC,)	
PSECU, SECRETARY OF HOUSING)	
AND URBAN DEVELOPMENT)	
Ronda J. Winnecour)	
Respondents)	

MODIFIED
AMENDED ORDER OF COURT

AND NOW, to-wit, this 10th day of June, 2024, upon ~~hearing and~~
consideration of the foregoing **AMENDED MOTION TO SELL REAL PROPERTY FREE
AND CLEAR OF ALL MORTGAGE, LIENS AND ENCUMBRANCES** to UPMC
PRESBYTERIAN SHADYSIDE, d/b/a UPMC MONTEFIORE for \$228,000.00, this date, the
Court finds:

1. The sale of the Debtor's real estate property located at **128 Chesterfield Road
Pittsburgh, PA 15213, Parcel ID # 0234-L-00225-0014-00**: was not required to be advertised
pursuant to Local Rule 6004-2 (SALE OF PROPERTY WITHOUT PUBLICATION).

2. Service of the *Notice of Hearing* and *Order* setting hearing on said
Motion for private sale of real property free and divested of liens of the above named
Respondents, was effected on the following secured creditors whose liens are recited in said
Motion/Complaint for private sale, viz:

DATE OF AMENDED SERVICE	NAME OF LIENOR AND SECURITY
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5/28/2024

PennyMac Loan Services, LLC
PO Box 2410
Moorpark, CA 93020.

5/28/2024 PennyMac Loan Services, LLC
c/o KML Law Group, P.C
701 Market Street, Suite 5000,
Philadelphia, PA 19106

5/28/2024 PSECU Services, LLC
PO Box 67013
Harrisburg, PA 17106-7013

5/28/2024 PSECU Services, LLC
c/o Weltman, Weinberg & Reis
965 Keynote Circle
Brooklyn Heights, OH 44131

5/28/2024 Secretary of Housing
and Urban Development
451 Seventh Street, SW
Washington, DC 20410.

3. That sufficient notice of said Motion and Exhibits, together with the hearing notice, was given to the creditors and parties in interest by the moving party as shown by the certificate of service duly filed and that the named parties were duly served with Motion for private sale.

4. That the offer currently tendered by the above Purchaser(s) is more than sufficient to adequately fund a 100% distribution to holders of allowed prepetition claims and no timely objections to the sale were made that would result in the cancellation of said sale.

5. That the price of \$228,000.00 offered by UPMC PRESBYTERIAN SHADYSIDE, d/b/a UPMC MONTEFIORE (*Buyer*) was a full and fair price for the property in question.

6. That the Purchaser(s) has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d. 143 (3d Cir. 1986).

NOW THEREFORE, it is hereby ***ORDERED, ADJUDGED AND DECREED*** that the sale by Special Warranty deed of the real property described as **128 Chesterfield Road Pittsburgh, PA 15213, Parcel ID # 0234-L-00225-0014-00**, is hereby ***CONFIRMED*** to UPMC PRESBYTERIAN SHADYSIDE, d/b/a UPMC MONTEFIORE ~~*with a mailing address of*~~ for \$228,000.00, free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to the Purchaser(s) above named the necessary deed and/or the documents required to transfer title to the property purchased upon compliance with the terms of sale;

It is **FURTHER ORDERED**, that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

It is **FURTHER ORDERED**, that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order.* Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

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|--|--------------------|
| (1) The following mortgage liens/claims in the estimated amounts of: | |
| a) PennyMac Loan Services, LLC * | <u>\$84,584.77</u> |
| b) PSECU *, ** | <u>\$24,831.61</u> |
| c) Secretary of Housing and Urban Development | <u>\$1,505.81</u> |

* The actual amounts shall be determined at closing.

The closing agent for the aforesaid sale of real property is to contact PSECU counsel before closing of the sale to request an updated payoff for the account referenced within Proof of Claim 7 in this case.

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|---|-------------------|
| (2) Current real estate taxes, pro-rated to the date of closing;
(to be determined at closing) | <u>\$2,000.00</u> |
|---|-------------------|
- * The actual amounts shall be determined at closing.

- | | |
|--|-----------------|
| (3) Reimbursement of Costs to file the Motion to Sell Property and
Free and Clear of Liens: | <u>\$292.63</u> |
|--|-----------------|

- a. Filing fee: \$199.00
- b. Service Costs: \$97.63

- | | |
|--|-------------------|
| (4) Court approved attorney fees with the Consent of the Debtor
payable to "Bryan P. Keenan, Esquire 993 Greentree Road,
Suite201, Pittsburgh, PA. 15220"; | <u>\$1,310.00</u> |
|--|-------------------|

- | | |
|---------------------------------|-------------------|
| (5) Estimated closing expenses: | <u>\$5,815.20</u> |
|---------------------------------|-------------------|

- | | |
|----------------------------------|------------|
| a) State and Local Transfer Tax; | \$4,560.00 |
| b) Tax Certificates: | \$425.00 |
| c) Doc Prep Fee | \$195.00 |
| d) Notary Fee | \$25.00 |
| e) Wire Fee | \$35.00 |
| f) Settlement Fee | \$195.000 |
| g) Munciapal/tax Liens | \$380.20 |

* The actual amounts shall be determined at closing.

(6) Estimated amount needed to pay 100% to general unsecured \$26,000.00
non-priority creditors payable to "Ronda J. Winnecour, Ch. 13 Trustee,
P.O. Box 84051 Chicago, IL 60689-4002.", which should be sent through
the US postal service first class mail.

Completion of the Chapter 13 case is contingent upon completion of all plan goals and objectives, including payment of 100% of all unsecured claims. If, after audit, there is a shortfall in plan funding, debtor shall immediately pay a lump sum to the Trustee sufficient to cure the shortfall.

(7) The "estimated net proceeds" to Arnold Rose: \$81,659.98

It is **FURTHER ORDERED** that:

(1) Completion of the Chapter 13 case is contingent upon completion of all plan goals and objectives, including payment of 100% of all unsecured claims. If, after audit, there is a shortfall in plan funding, debtor shall immediately pay a lump sum to the Trustee sufficient to cure the shortfall.

(2) ***Within seven (7) days of the date of this Order***, the Movant shall serve a copy of the within *Order* on each Respondent/Defendant (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a Certificate of Service.

(3) ***Closing shall occur within thirty (30) days of this Order.***

(4) ***Within ten (10) days following closing***, the Movant/Plaintiff shall file a ***Report of Sale*** which shall include a copy of the HUD-1 or other Settlement Statement; and,

(5) This *Sale Confirmation Order* survives any dismissal or conversion of the within case.

Dated: 6/10/24

By the Court



Chief Judge Gregory L. Taddio
United States Bankruptcy Judge

In re:
Arnold J. Rose, III
Debtor

Case No. 20-21805-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jun 10, 2024

User: auto
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 12, 2024:

Recip ID	Recipient Name and Address
db	+ Arnold J. Rose, III, 14 Dinell Drive, Pittsburgh, PA 15221-4563

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 12, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 10, 2024 at the address(es) listed below:

Name	Email Address
Bryan P. Keenan	on behalf of Debtor Arnold J. Rose III keenan662@gmail.com, melindap662@gmail.com;keenan.bryanp.r106644@notify.bestcase.com;ciennal662@gmail.com
Denise Carlon	on behalf of Creditor PENNYMAC LOAN SERVICES LLC dcarlon@kmlawgroup.com
Garry Alan Masterson	on behalf of Creditor PSECU pitecf@weltman.com gmasterson@weltman.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com btemple@bernsteinlaw.com;aepiscopo@bernsteinlaw.com;kebeck@ecf.courtdrive.com;agilbert@bernsteinlaw.com
Maria Miksich	on behalf of Creditor PENNYMAC LOAN SERVICES LLC mmiksich@kmlawgroup.com
Mario J. Hanyon	

District/off: 0315-2

User: auto

Page 2 of 2

Date Rcvd: Jun 10, 2024

Form ID: pdf900

Total Noticed: 1

on behalf of Creditor WELLS FARGO BANK N.A. wbecf@brockandscott.com, mario.hanyon@brockandscott.com

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com

Thomas Song

on behalf of Creditor WELLS FARGO BANK N.A. pawb@fedphe.com

TOTAL: 10